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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [VM](#)  
SUBJECT: CODEL HOYER MEETING WITH FAMILY MEMBERS OF DISSIDENTS

REF: HCMC 0009

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#### Summary

1. (SBU) HCMC Bar Association lawyers and family members of imprisoned dissidents relayed stories of courage and conviction during their January 4 meeting with Representative Hoyer and members of his delegation. Speaking eloquently about the need for greater legal reform in Vietnam, the lawyers called on the USG to encourage the GVN to guarantee in law the basic rights enshrined in Vietnam's Constitution and to do more to educate the public about their legal rights. Though they came with diverse backgrounds and viewpoints, the family members shared one common desire - to see their family members released soon. End summary.

#### Lawyers Speak Out

2. (SBU) HCMC Bar Association lawyer Le Cong Dinh welcomed the delegation and the family members, noting the fact they were able to meet freely was a sign of progress considering that in April 2007 Representative Loretta Sanchez was prevented from meeting the wives of imprisoned dissidents in Hanoi. Mr. Dinh noted that the lawyers not only defend human rights activists but are also activists themselves, having written many articles in the foreign press advocating for greater legal reform in Vietnam. Dinh said in the fight for democracy, America's support remains very important. Lawyer Dang Dzong agreed that there had been progress but added that much remained to be done. He noted, for example, that while domestic media outlets all reported Representative Hoyer's favorable comments on Vietnam's rapid economic growth, they skipped a key part of his statement later quoted by Radio Free Asia--that "economic development must go hand in hand with the expansion of human rights." The lawyers believe one way to encourage progress on human rights is by encouraging the GVN to guarantee the basic rights enshrined in Vietnam's own Constitution.

3. (SBU) Mr. Dzong stated that Chapter Five (Fundamental Rights and Duties of the Citizen) of the Vietnamese Constitution affirms all of the same rights upheld in the U.S. Constitution, including Article 69, which states that Vietnamese citizens "shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law." He added that while the Constitution upholds these rights, to date, there are no legal provisions that protect these rights. Dzong said in Vietnam, there is a popular government slogan -- "Live and work in accordance with the law," adding that human rights activists would like to see this changed to "Live and work in accordance with the law and

the Constitution." Noting that the majority of dissidents are prosecuted under Vietnam's national security provisions, Dzung also said that the war has long been over, and it is time Vietnam focused on creating laws that are in line with its Constitution. Mr. Dzung ended by noting while the GVN is willing to talk to foreign governments about human rights, they have not yet begun that conversation with their domestic critics.

#### Advancing Legal Reform

14. (SBU) Turning to the situation of the country's dissidents, Lawyer Le Cong Dinh noted Vietnamese officials often say "There are no religious or political prisoners in Vietnam, only lawbreakers." In addition to protecting the rights enshrined in Vietnam's constitution, the lawyers said more needs to be done to improve the country's legal system. According to the 1985 Penal Code, lawyers are allowed to get involved in their clients' cases right from the investigation phase (i.e, discovery, or the pre-trial phase of prosecution), but in reality, lawyers have been barred from doing so since the code's creation. Official statistics also show that only 20 percent of defendants have legal representation. The lawyers said educating the public about the legal system was one way to gather support for change. Ambassador Michalak agreed, noting he would be discussing the possibility of setting up a dialogue between Vietnamese lawyers and the Ministry of Justice on legal reform issues. In addition, the Ambassador said the U.S. Mission was researching ways to get more American legal guides translated into Vietnamese, per Mr. Dzung's suggestion (reftel). The Ambassador agreed that translating easy-to-use American legal texts would help build a public consensus for change as well as introduce American legal concepts to a wider Vietnamese audience.

#### Family Members Share Their Stories

15. (SBU) Mr. Nguyen Cong Hoang, the nephew of imprisoned Catholic priest and activist Father Nguyen Ly, said "it is a terrible time for dissidents in Vietnam." Hoang and other family members were prevented from attending Father Ly's March

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2007 trial, where Ly was gagged by police after he shouted "down with Communism" in the courtroom. Since then, Hoang said he and his mother have been under constant surveillance by authorities, a comment echoed by other family members. Most recently, Hoang said local authorities questioned him about his meeting with the US Committee on International Religious Freedom during their October 2007 visit to Vietnam.

16. (SBU) Father Ly's sister Nguyen Thi Hieu said they visit him in prison every two months, where he is held apart from other prisoners and only allowed to read Phap Luat newspaper (the official paper of the Ministry of Justice). He is not allowed to say Mass, keep a bible or keep a pen. Though he is allowed to write a letter to his family once a month, Ms. Hieu said they have never received them. Ms. Hieu said Father Ly's activism stems from his deep religious beliefs, which he feels includes the promotion of justice, fairness and human rights. She said what Father Ly did in his capacity as a priest was in keeping with these principles. Ms. Hieu also feels religious freedom is not a reality in Vietnam, "despite what the Vietnamese government says."

17. (SBU) Le Nguyen Thanh, the brother of People's Democratic Party activist Le Nguyen Sang, said the Vietnamese media accused his brother of being a terrorist when he was arrested, but these charges are untrue. After his brother's arrest, Mr. Thanh refuted those claims in an interview with Radio Free Asia and said Dr. Sang advocated for free speech, free press, an end to police abuses and the expansion of human rights. Thanh noted many people in Vietnam, including lawyers, doctors and businessmen, are jailed or put under surveillance for saying the same things his brother did.

18. (SBU) While two family members declined to speak at the meeting, the rest called on the USG to do more to get their

relatives released. Father Ly's sister said he has missed the funerals of both their parents during his time in prison (Note: Ly was jailed three times previously and has spent almost 15 years of his life incarcerated. End note). Ms. Le Ngoc Nghia, the mother of dissident Nguyen Bac Truyen, said "I'm 70 years old and I visit my son once a month to bring him basic necessities. I just wish my son could return home." Pham Ba Dung, the brother of dissident Pham Ba Hai said, "Recently, I've seen many good changes in Vietnam. I'm a businessman and my business is doing well. I export 90 percent of my products to the United States. I believe that each person should be allowed to have a different point of view, but I personally do not want to get involved in politics. I do wish, however, that my brother could be released and reunited with the family soon. "

19. (SBU) Representative Hoyer thanked the family members for having the courage to meet and share their stories. He also applauded the lawyers for their advocacy efforts. Rep. Hoyer affirmed the USG's support for the release of all prisoners of conscience and the need to expand the human rights dialogue with Vietnam to include more discussion of Constitutional and legal reform issues. He encouraged the family members to stay in touch with the Consulate and report any instances of official harassment they might experience after the meeting, noting he would relay any such incidents directly to the President. (Note: Post has been in touch with the family members since Rep. Hoyer's visit and none have reported increased harassment as a result of the meeting. End note.)

#### The Participants

10. The USG delegation:  
Head of Delegation Rep. Steny Hoyer  
Rep. Debbie Wasserman-Schultz  
Rep. Ray Lahood  
Rep. Madeline Bordallo  
Rep. Bob Etheridge  
Ambassador Michalak  
Consul General Fairfax  
Political Officer Katia Bennett

#### The HCMC Bar Association:

Mr. Bui Quang Nghiem, Vice President. Nghiem, a member of the Communist Party, was co-counsel for the appeals trial of dissident lawyers Le Thi Cong Nhan and Nguyen Van Dai. He also represented PDP dissidents in Ho Chi Minh City.

Mr. Le Cong Dinh, Vice President. A U.S.-educated lawyer, Dinh was co-counsel for Le Thi Cong Nhan and Nguyen Van Dai. Dinh is also a prominent corporate lawyer whose former clientele includes Exxon Mobil, Aventis, and Boeing. Dinh's article challenging the Prime Minister to allow private media outlets in Vietnam appeared on BBC's Vietnamese news service.

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Mr. Dang Dzung, Member. Co-counsel for Nhan and Dai, as well as jailed PDP activist Le Nguyen Sang. He was slated to represent detained American and Viet Tan activist Do Thanh Cong in August 2006 before his release. Dzung, a former Tuoi Tre (Youth) journalist, has published over 20 articles for the BBC's Vietnamese news service on democracy and other political issues.

#### Dissident Family Members:

Mr. Le Nguyen Thanh, younger brother of Le Nguyen Sang and Ms. Le Ngoc Nghia, mother Nguyen Bac Truyen. Mr. Sang and Mr. Truyen are members of the People's Democratic Party (PDP), an outlawed political group that advocates for democracy and multi-party elections in Vietnam. Sang and Truyen were sentenced to three and four years in prison, respectively, on May 5, 2007 for propagandizing against the government. Their sentences were reduced by one year in August 2007.

Ms. Pham Thi Loc, wife Tran Quoc Hien. Mr. Hien is the spokesman for the United Workers Farm Organization (UWFO), a group that calls for the protection of workers' and farmers' rights and

expresses strong support for human rights in general. Hien was sentenced to five years in prison on May 15, 2007 for creating public disorder and propagandizing against the government.

Ms. Nguyen Thi Hieu and Mr. Nguyen Cong Hoang, sister and nephew of Father Nguyen Van Ly. Father Ly is one of the leaders of Bloc 8406, an umbrella group for democracy activists that supports changing the Constitution to create a multi-party government with free elections for the National Assembly and protection of civil liberties. Father Ly was sentenced to eight years in prison on March 30, 2007 for propagandizing against the government.

Ms. Nguyen Thi Trang, wife of Nguyen Ngoc Quang, Ms. Bach Yen, wife of Vu Hoang Hai, Mr. Pham Ba Bach and Mr. Le Phuc Hai, younger brother and cousin of Pham Ba Hai. Mr. Quang, Hai and Hai are members of the Bach Dang group, which is affiliated with Bloc 8406. All three were arrested in September 2006 for propagandizing against the government and creating public disorder. They were scheduled to be tried on December 27, 2007. The trial has now been postponed indefinitely.

SCHWENK